

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John T. WASSOM, Jr. et al. Art Unit : 2179
Serial No. : 09/582,262 Examiner : Mylinh T. Tran
Filed : October 10, 2000 Conf. No. : 3601
Title : MANAGING NAVIGATION AND HISTORY INFORMATION

Mail Stop Appeal Brief - Patents

Commissioner for Patents
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REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Appellants respond to the points raised in the Examiner's Answer dated November 27, 2006 as follows.

Rejection under 35 U.S.C. § 102

Claims 1-35 and 37-50 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,544,295 to Bodnar ("Bodnar"). Notwithstanding comments made in the Examiner's Answer, Appellants maintain the positions previously articulated in the Appeal Brief. However, Appellants below respond serially to three positions taken in the Examiner's Answer, responsively pointing out that: (1) Figure 3B of Bodnar, like Figure 7 of Bodnar, fails to disclose "presenting the global navigation information as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface," (2) recitation of "an ordered list" cannot be arbitrarily denied patentable weight, and (3) whether or not the Quick marks utility of Figure 3B is directed to both browser and non-browser applications, that utility fails to disclose "presenting an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface," as recited by claim 1.

Position 1: Figure 3B of Bodnar, like Figure 7 of Bodnar, fails to disclose "presenting the global navigation information as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface."

At page 14 of the Response to Argument section of the Answer, the Examiner posits the following:

While the Examiner submits that the list (Fig. 7) which is a list, represents the dates/times in which the Quick mark browser application was updated, the list of the resources in which were accessed using the single navigation interface is taught at figure 3B.

On page 15, the Examiner continues by stating that:

It is clear that The Quick marks utility interface shows presenting the global navigation information as an list of the resources representative in which the resources were accessed using the single navigation interface.

Reading these statements together, the Examiner appears to argue that the Quick mark utility interface of Figure 3B shows the claimed step of “presenting the global navigation information as an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface.”

Appellants respectfully disagree.

Bodnar's Figure 3B shows the Quick marks utility. See Bodnar at col. 7, lines 35-36. The Quick marks utility lets the user organize programs, web sites, and other items in tabs, and the utility allows the user to start programs or jump to a web site by clicking on buttons on the Quick marks utility. See Bodnar at col. 7, lines 35-51. The Quick marks utility includes a “What's New” button. See Bodnar at col. 7, lines 47-49. Clicking on the “What's New” button causes the display of a list of the Quick marks items that have been recently tagged as new or removed. See Bodnar at col. 10, lines 62-64 and FIG. 7. Updated items are marked with a starburst and displayed on the list of new and removed items. See Bodnar at col. 10, lines 64-66, FIG. 3B, and FIG. 7. To determine whether a Quick mark item has been updated, the system periodically scans the user-specified Quick marks. See Bodnar at col. 10, lines 64-66 and col. 11, lines 1-4. Items are updated to reflect when a change occurs, such as when a web site is discontinued. See Bodnar col. 10, line 66 to col. 11, line 1.

Thus, Figure 3B of Bodnar shows an interface with buttons that may be selected by a user to gain access to programs or web sites associated with the selected button. Whether an item has recently been updated is shown with a starburst symbol, such as the starbursts shown on the “Gigaplex” and “PC Quote” buttons in Figure 3B. Additionally, updated items are shown on the list of Figure 7 when the user clicks on the “What's New” button. However, there is no

indication that the buttons shown in Figure 3B, or the list of updated Quick marks generated by selecting the "What's New" button and shown in Figure 7, are presented as an ordered list of the resources representative of an order in which the resources were accessed.

The list shown in Figure 7 reflects the time and date at which a Quick mark item was updated, but it does not show whether any of the listed assets were accessed. For example, Figure 7 shows that "PC Quote" was updated before "Gigaplex." But is it unclear from the interface whether "PC Quote" or "Gigaplex" was accessed first or last.

Moreover, because an update could occur before, after, or during the access of a resource, information about an update does not reflect the relative order of access to resources. As such, the list shown in Figure 7 is not reflective of any relative order of access among the resources listed in Figure 7. Rather, the list shown in Figure 7 is reflective of entirely different information—the relative order of updates to the Quick marks items, leaving the viewer without information reflecting relative order of access.

Figure 3B is similarly deficient, also failing to present a list of resources representative of an order in which the resources were accessed. Figure 3B shows four Quick mark item buttons: "Calenda...", "PC Quote," "BigBook," and "Gigaplex." Based on the corresponding starbursts, it is clear that "Calenda...", "PC Quote," and "Gigaplex" have been recently updated, while "BigBook" has not. However, similar to Figure 7, Figure 3B is at most reflective of the relative order of updating the items; which, as discussed above, is not indicative of the relative order of access of the items. Thus, Figure 3B also is not reflective of any relative order of access among the resources associated with the buttons.

As such, neither the Quick marks utility interface of Figure 3B, nor the list of updated Quick marks shown in Figure 7, describe or suggest "an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface," as recited by claim 1. It is for this reason that Appellants respectfully request withdrawal of the rejection of claim 1.

Position 2: Recitation of “an ordered list” cannot be arbitrarily denied patentable weight.

In the Response to Argument section on page 15, the Answer indicates that “the claim term, ‘an ordered list’ is still not specific and clear enough to describe the present invention... [b]ecause the claimed language is so broad, the list could be in any ‘type’ order.” Appellants respectfully disagree. Claim 1 recites “an ordered list of resources representative of an order in which the resources were accessed.” Thus, when read in the context of other terms in the claim itself, the term “an ordered list” is modified by the phrase, “of resources,” such that the ordered list is among resources. We further see that the ordered list is modified by the phrase, “representative of an order in which the resources were accessed.” From this language, it is clear that the claimed language cannot be in any ‘type’ order, as suggested by the Office Action, but that it instead is configured to represent the order used to access its constituent resources. This claim language is both clear, and distinctive of the prior art of record. As discussed above, Bodner does not describe or suggest an ordered list of resources representative of an order in which the resources were accessed, as recited by claim 1.

Position 3: Whether or not the Quick marks utility of Figure 3B is directed to both browser and non-browser applications, that utility fails to disclose “presenting an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface,” as recited by claim 1.

In the Response to Argument section on page 16, the Answer indicates that “the Quick marks utility of [F]igure 3B is directed at both browser and non-browser applications.” Even if the Quick marks utility of Figure 3B is directed at both browser and non-browser applications, Figure 3B does not show “an ordered list of the resources representative of an order in which the resources were accessed using the single navigation interface,” as recited by claim 1. For at least these reasons, Appellants request reversal of the rejection of claim 1, along with claims 2-27, which depend from claim 1.

Independent claims 28, 42, and 44 recite features similar to those discussed above with respect to claim 1. Thus, for reasons similar to those discussed above, the rejections of

independent claims 28, 42, and 44 should be reversed along with the rejections to claims 28-35, 37-41, 43, 45-50, which respectively depend from these independent claims.

Rejection under 35 U.S.C. § 103

Claim 36 has been rejected under 35 U.S.C. § 103 as being unpatentable over Bodnar in view of Official Notice. This rejection was timely traversed in the response filed on September 26, 2005. In response to the Appellants' traverse of the use of Official Notice, the Answer contends, on page 16, that the feature of "presentation of the global-context history list comprising displaying a drop-down history list to a user" has been admitted as being old in the art at Figure 3A, element 312 of the Appellants' application. Appellants respectfully disagree.

The referenced element 312 refers to an entry in a history list of a browser, and element 310 refers to a history list that includes past files or addresses that the user has visited. See application at page 2, lines 15-20; page 3, lines 9-10; and FIG. 3A. However, this portion of the application refers to tracking a history list of files or addresses visited or accessed from within a single browser. This is, in contrast to claim 28, from which claim 36 depends, which indicates that state information is received from a plurality of independent and separate resources that include both browser and non-browser applications and, based on the received state information, a history of resources accessed by a user of a computer application is maintained. Thus, the global-context history list in dependent claim 36 includes information received from a plurality of independent and separate resources, which is in contrast to the single-browser history list of elements 310 and 312. For at least this reason, Appellants request reversal of the rejection of claim 36.

For these reasons, and the reasons stated in the Appeal Brief, Appellants submits that the final rejection should be reversed.

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No fee is believed due. Please apply any charges or credits to Deposit Account
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Respectfully submitted,

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